



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,152	03/27/2001	Craig A. Paulsen	IGT1P026/P-256	2667
79646 7590 01/12/2009 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250				
EXAMINER				
D'AGOSTINO, PAUL ANTHONY				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/819,152

Applicant(s)

PAULSEN, CRAIG A.

Examiner

Paul A. D'Agostino

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-15 and 30-44 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-11, 13-15, and 30-44 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 27 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/C)
Paper No(s)/Mail Date 10/6/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This responds to Applicant's Arguments/Remarks filed 10/01/2008.

Claims 1 and 30 have been amended. Claims 12, 16-29, and 45-69 have been cancelled. Claims 1-11, 13-15, and 30-44 are now pending in this application.

Examiner has considered all references on the attached 1449 provided by Applicant, including those references lined through, to the extent provided by the copies of the documents provided by Applicant. The Examiner has lined through these references because they are not appropriate for listing on the front of an issued patent.

Claim Objections

1. Claims 1 is objected to because of the following informalities:
 - a. Claim 1, Line 2 Change "configured to 1)" to – configured 1) to--.
 - b. Claim 1, Line 4 Change "4)" to – 3) --.
 - c. Claim 1, Line 5 Change "5)" to – 4) --.
 - d. Claim 1, Line 6 Change "6)" to – 5) --.
 - e. Claim 1, Line 7 Change "7)" to – 6) --.
 - f. Claim 1, Line 8 Change "8)" to – 7) --.
 - g. Claim 1, Line 10 Change "9)" to – 8) to – and "10)" to – 9) to --.
 - h. Claim 1, Line 11 Change "11)" to – 10) to --.
 - i. Claim 1, Line 13 Change "the display" to – the video display --.
 - j. Claim 1, Line 26 Change "preferences," to – preferences. --.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-11, 13-15, and 30-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,110,041 to Walker et al. (Walker) in view of U.S. Patent No. 6,028,604 to Matthews, III et al. (Matthews).

5. Walker discloses a method and system for adapting gaming devices to a player's playing preferences. In particular, a gaming machine is networked to a central server which receives preference data from a player and configures the gaming machine to match the received preference data. The player inserts an electronic player tracking card (or other "biometric" data is used) to authenticate that a particular player is on a machine by transmitting data to a central server. Once this data is authenticated the central server programs or configures the gaming machine to the player's preferences. Walker additionally discloses:

Regarding Claims 1, 30, 38, 42, and 44

- a master gaming controller (Fig. 3 "CPU" slot machine controller (310)) is configured to control a game played on the gaming machine; to request preference account information from a remote server {external storage unit} (Fig. 1 "Slot Network Server" 110; also, Col. 2, Lines 14-49, Col. 3, Lines 29-41, Col. 7, Line 47-Col. 8, Line 6, and Figures 1-11B);

- the preference account information comprises preferred gaming machine settings of to configure the gaming machine using the preference account information received from the remote server ("allow players to customize slot machines easily to their player preferences" Col. 2 Lines 14-15) and authenticating the request (Fig. 10A step 1010-1015); to output to a video display a user interface that is hosted off the remote server ("Preferences selection....displayed on video display area 346" Col. 7 Lines 1-5); to receive data from the remote host for generating the user interface on the video display ("if the player does have established preferences (step 1025 [Fig. 10A]), slot network server 110 accesses player preferences database 216 and transmits the preferences data corresponding to that player's identification number to slot machine 120 (step 1030)" Col. 8 Lines 7-16); to send information associated with preferences selections entered via the user interface to the remote host (Fig. 9 step 920 and Col. 7 Lines 52-63); to configure the gaming machine using the preference selections entered via the user interface (Fig. 10B step 1040); to receive a wager on an outcome for the game, determine the outcome for the

game, and generate a game presentation of the outcome determined for the game on the video display (Col. 6 Lines 10-25);

the display (Fig. 3 "Video display Area" 346) for outputting the user interface hosted on the remote server and for displaying under control the master gaming controller the game presentation of the outcome (system and method performs this intended use; Figs. 1-3 and Fig. 10B steps 1040-1045); and

- a memory configured to store gaming software that allows the master gaming controller to request one or more different portions of the preference account information from the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, and Figures 1-11B), wherein the preference account information includes at least one or more items selected from the group consisting of for example, preferred gaming machine settings and preferred service options (Figs. 4-8); account summary (Figure 5); promotional opportunity (Figure 8 (Comp Rate, Comp Specs), Column. 3, Lines 42-45, Column 4, Lines 49-64, and Column 5, Lines 32-36, and 42-60); and the information regarding one or more preferences in a group of available preferences includes information about an award (Claim 12).

However, Walker fails to disclose a simulated game outcome presentation generated on the remote host using the received preference selections and to display information regarding one or more preferences in a group of available preferences.

Matthews teaches of previewing selections (Fig. 7) in order to assist a user in determining information about a listed application, the present invention

Art Unit: 3714

includes previewing the listed applications through a preview frame....Instead of the actual selection being loaded, a short preview of the application or other material may be displayed...The invention also supports interactive previews. For example, while displaying a preview of a game, a user may be allowed to at least minimally interact with the preview to create the perception of actually playing the game embodied in the current selected application (Ccl. 4 Lines 8-29 and Col. 14 Lines 56-67; Col. 15 15-36; col. 15 Lines 64-67; and Col. 16 Lines 1-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the previewing lists of games and interactivity of games displayed on the device as taught by Matthews into the teachings of Walker in order to provide assist a user in determining information about a listed application.

Regarding Claims 2 and 39

- two different portions of the preference account information are requested on the remote server (Abstract, Column 2, lines 14-49, Column 3, lines 29- 41, and Figures 1-11B).

Regarding Claims 3, 6, 31, and 34

- the loyalty point account information comprises an amount of loyalty points rewarded during a particular event (Column 5, lines 42-60).

Art Unit: 3714

Regarding Claims 4 and 32

- the particular event comprises a game play (Column 5, lines 42-60).

Regarding Claims 5 and 33

- the loyalty account settings selected based on name or address (Fig. 4).

Regarding Claims 7 and 35

- the preferred game is a slot machine (Column 3, lines 61-64).

Regarding Claims 8, 9, 36, and 37

- the preferred gaming features and settings are game presentation speed or game audio features (Column 5, lines 1-5).

Regarding Claims 10, 11, and 43

- biometric input device designed to receive biometric information from a player, such as, a fingerprint or retina scan (Column 6, lines 47-61).

Regarding Claim 13

- the user interface is compatible with a web browser (Column 9, lines 27-35).

Regarding Claims 14, 15, and 40

- one or more input devices designed to input preference account

Art Unit: 3714

information, including a video touch screen, a card reader, keypad, etc. (Figures 3, and 9-11B, and Column 6, lines 39-61).

Regarding Claim 41

- an interface (display screen (346)) designed to display preference account information (Abstract, Column 2, lines 14-49, Column 3, lines 29-41, Column 7, line 47-Column 8, line 6, and Figures 1-11B).

Response to Arguments

6. No Arguments have been presented, merely a recitation of the amended claim language and its stated absence in the prior art of record. To these indications, Examiner has responded with the above rejection of claims.

7. The preceding Examiner engaged in a practice of incorporating prior Office Actions by reference. This examiner has made a best effort to gather the past and provide a clear status of where the current prosecution stands in the instant Office Action. If Applicant believes that an essential part of the record has been overlooked or an issue has been unaddressed, Examiner would greatly appreciate Applicant identify these concerns as part of the response to this Office Action for immediate resolution.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is provided in the Notice of References Cited.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul A. D'Agostino whose telephone number is (571)270-1992. The examiner can normally be reached on Monday - Friday, 7:30 a.m. - 5:00 p.m..

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information

Art Unit: 3714

for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John M Hotaling II/
Supervisory Patent Examiner, Art Unit 3714

/Paul A. D'Agostino/
Examiner, Art Unit 3714